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APPENDIX VIII.

[Vide item IV (5) at page 424 supra.]

A Bill to provide for the control of the construction of buildings in the neighbourhood of tuberculosis sanatoria in the Province of Madras, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood.

L.A. BILL No. 22 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient to provide for the control of the construction of buildings in the neighbourhood of tuberculosis sanatoria in the Province of Madras, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood; It is hereby enacted as follows:—

Short title, extent, application and commencement.

1. (1) This Act may be called the Madras Tuberculosis Sanatoria (Regulation of Buildings) Act, 1947.

(2) It extends to the whole of the Province of Madras.

(3) (*a*) It shall come into force at once in respect of the tuberculosis sanatoria at Madanapalle, Tambaram and Perundurai; and in each case, this Act shall apply to the area specified in the notification issued under the Act by which the sanatorium was governed immediately before the commencement of this Act.

(*b*) The Provincial Government may, by notification, apply this Act to any other tuberculosis sanatorium with effect from such date and in respect of such area as may be specified in the notification.

(*c*) The Provincial Government may, by notification, from time to time, alter any area referred to in clause (*a*) or specified under clause (*b*), in such manner as they think fit.

(*d*) No place which is not situated within two miles from any portion of the boundary of a sanatorium shall be included in any notification issued in respect thereof under clause (*b*) or clause (*c*).

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "building" includes—

(*a*) a house, outhouse, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether wholly or partially constructed of masonry, bricks, wood, mud, metal or any other material whatsoever;

(*b*) a structure on wheels or simply resting on the ground without any foundation;

(*c*) a tent, van and any other structure used for human habitation;

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(2) "notification" means a notification in the *Fort St. George Gazette* ;

(3) a person shall be deemed "to re-erect a building" if he—

(*a*) makes any material alteration to, or enlargement of, a building, or

(*b*) converts into a dwelling place any building not originally constructed for that purpose, or

(*c*) converts into two or more dwelling places a building originally constructed as a single dwelling place, or

(*d*) converts two or more dwelling places into a larger number of such places, or

(*e*) converts into a stable, cattle-shed or cow-house any building originally constructed as a dwelling place, or

(*f*) makes any alteration which is likely to effect prejudicially the stability or safety of a building, or the condition of a building in respect of its drainage, sanitation or hygiene, or

(*g*) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein ;

(4) "sanatorium" means any tuberculosis sanatorium to which this Act applies ;

(5) "sanatorium area" means, in the case of any sanatorium, the area to which this Act applies in respect of the sanatorium by virtue of section 1, sub-section (3) ;

(6) "Sanatorium Local Authority" means, in the case of any sanatorium or sanatorium area, the Sanatorium Local Authority constituted for the sanatorium or having jurisdiction under this Act over the sanatorium area, as the case may be.

Constitution of Sanatorium Local Authority.

3. (1) For every sanatorium, the Provincial Government shall, by notification, constitute a Sanatorium Local Authority for the purpose of controlling the construction of buildings in the sanatorium area.

(2) The notification aforesaid shall specify—

(i) the date from which it shall take effect ;

(ii) the name of the Sanatorium Local Authority ;

(iii) the persons who shall be its members ; and

(iv) the term of office of its members other than the ex-officio members, if any.

(3) The Provincial Government shall appoint one of the members of the Sanatorium Local Authority to be its Chairman and another member to be its Secretary.

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Madras Act XIV of 1920, Madras Act III of 1939.

Application of Madras Local Boards Act, 1920, Madras Public Health Act, 1939, and certain other Acts.

4. (1) The Provincial Government may, by notification, direct that the provisions of the Madras Local Boards Act, 1920, the Madras Public Health Act, 1939, or any other enactment for the time being in force in the Province of Madras and relating to public health, shall not apply to the sanatorium area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in the notification.

(2) In particular, the notification may authorize the Sanatorium Local Authority or its Chairman or Secretary to perform any duty or exercise any power assigned to a panchayat or its president or to any other authority or officer under the provisions so applied, subject to such control as may be specified in the notification.

Prohibition of erection or re-erection of buildings without sanction of Sanatorium Local Authority.

5. No person shall, except with the previous sanction of the Sanatorium Local Authority, erect or re-erect a building on any land in the sanatorium area, not being land situated within the boundary of the sanatorium.

Application for such sanction.

6. (1) Application for such sanction shall be made in writing, and shall—

(*a*) specify the purpose for which it is intended to use the building;

(*b*) furnish such information and be accompanied by such plans as may be required by rules made under this Act.

(2) The applicant shall also furnish to the Sanatorium Local Authority any further information or plans which it may require, within such time as may be fixed by it.

Refusal or grant of sanction.

7. (1) The Sanatorium Local Authority may refuse to sanction the erection or re-erection of a building, or may sanction such erection or re-erection either unconditionally or subject to such conditions as it thinks fit to impose in respect of all or any of the following matters, namely:—

(*a*) the free passage or way to be left in front of the building;

(*b*) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;

(*c*) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;

(*d*) the provision and position of drains, latrines, urinals, and cess-pools or other receptacles for rubbish or filth;

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(*e*) the level and width of the foundation, the level of the lowest floor, and stability of the structure ;

(*f*) the line of frontage with neighbouring buildings if the building abuts on a street ;

(*g*) the means of egress from the building in case of fire ;

(*h*) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fire places and chimneys ;

(*i*) the height and slope of the roof above the uppermost floor on which human beings are to live or cooking is to be done ;

(*j*) any other matter affecting the ventilation and sanitation of the buildings.

(2) Any conditions imposed under sub-section (1) shall be in writing and the person erecting or re-erecting the building shall comply therewith in every particular.

Lapse of sanction.

8. Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and if the sanctioned erection or re-erection is not commenced within that period, it shall not be commenced thereafter, unless the Sanatorium Local Authority on application made therefor has extended the period.

Punishment for illegal erection or re-erection.

9. Whoever begins, continues or completes the erection or re-erection of a building—

(*a*) before such erection or re-erection has been sanctioned by the Sanatorium Local Authority, or

(*b*) without complying with any condition imposed under section 7, or

(*c*) when sanction has been refused by the Sanatorium Local Authority, or after the sanction has ceased to be available by virtue of the provision contained in section 8,

shall be punished with fine which may extend to five hundred rupees.

Power to stop erection or re-erection or to order demolition, etc.

10. (1) The Sanatorium Local Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the sanatorium area—

(*a*) to stop the erection or re-erection of any building, or

(*b*) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof, if, in the opinion of such authority, the erection or re-erection of such building or part constituted, or will constitute, an offence under section 9.

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(2) If any direction given under clause (*b*) of sub-section (1) is not complied with, within the time specified therefor in the notice, the Sanatorium Local Authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter in such manner as may be authorized by the rules.

11. (1) Any person aggrieved by any order passed under this Act by the Sanatorium Local Authority may appeal to the District Collector who shall pass such orders thereon as he thinks fit. **Appeals and revision.**

(2) The Provincial Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed under this Act by the Sanatorium Local Authority or the District Collector for the purpose of satisfying themselves as to the legality or propriety of such order, and may pass such order in reference thereto as they think fit.

12. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of— **Bar of compensation.**

(*a*) the refusal of the Sanatorium Local Authority to sanction the erection or re-erection of any building, or

(*b*) any condition imposed by such authority in regard to such erection or re-erection under section 7, or of any order passed by it under section 10, or

(*c*) any order passed by the District Collector or the Provincial Government under section 11.

13. (1) The Provincial Government may, by notification make rules to carry out all or any of the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the rules of business of the Sanatorium Local Authority;

(*b*) the manner in which applications for sanction to erect or re-erect buildings shall be made to the Sanatorium Local Authority and the information and plans to be furnished either along with such applications or subsequently;

(*c*) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(*d*) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(*e*) the circumstances in which a mosque, temple, church or other sacred building may be erected or re-erected;

(*f*) the manner in which the cost referred to in section 10, sub-section (2), may be recovered;

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(*g*) the form in which and the time within which appeals under section 11 may be preferred ;

(*h*) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.

Repeal of Madras Acts XIV of 1943, XXIV of 1943 and XVII of 1944 with a saving.

14. The Madanapalle Tuberculosis Sanatorium (Regulation of Buildings) Act, 1943, the Tambaram Tuberculosis Sanatorium (Regulation of Buildings) Act, 1943, and the Perundurai Tuberculosis Sanatorium (Regulation of Buildings) Act, 1944, are hereby repealed : Madras Act XIV of 1943, Madras Act XXIV of 1943, Madras Act XVII of 1944.

Provided that until a notification under section 3 of this Act otherwise provides, the constitution of the Sanatorium Local Authority, the term of office of its members, and the persons who shall act as its Chairman and its Secretary, shall, in the case of each of the sanatoria at Madanapalle, Tamabaram and Perundurai, be as laid down in section 3 of the relevant Act.

APPENDIX IX.

[Vide item IV (6) at page 425 supra.]

A Bill to amend the Madras City Improvement Trust Act, 1945.

L.A. BILL No. 23 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras City Improvement Trust Act, 1945, for the purpose hereinafter appearing ; It is hereby enacted as follows :— Madras Act XVI of 1945.

Short title.

1. This Act may be called the Madras City Improvement Trust (Amendment) Act, 1947.

Amendment of section 91, Madras Act XVI of 1945.

2. (1) In section 91, sub-section (1), of the Madras City Improvement Trust Act, 1945, the second paragraph beginning with the words "If the provisions of this Act" and ending with the words "proportionate part of two and a half lakhs of rupees" shall be omitted ; and in lieu thereof, the following provisos shall be inserted, namely :— Madras Act XVI of 1945.

"Provided that no contribution shall be payable until the first Chairman assumes office :

Provided further that in respect of the portion of the financial year beginning with the date on which the first Chairman assumes office and ending on the 31st day of March immediately following, the Government and the Corporation shall each contribute to the Board a sum which shall not be less than the proportionate part of two and a half lakhs of rupees."

(2) The amendments made by sub-section (1) shall be deemed to have been made in the Act aforesaid, immediately before the passing thereof.